

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In Re:

SQUARETWO FINANCIAL SERVICES
CORPORATION, ET AL.¹,

Case No.: 17-10659-jlg
Chapter 11

Debtors.

**STIPULATED ORDER PURSUANT TO 11 U.S.C. § 362 CONSENTING TO RELIEF
FROM THE AUTOMATIC STAY WITH RESPECT TO PROPERTY KNOWN AS:**

15 NYE ST., New Bedford, Massachusetts 02745

WHEREAS, on May 4, 2006, Horatio P. Alves (hereinafter “Borrower”), a judgment debtor of the Debtors, executed and delivered or is otherwise obligated with respect to that certain promissory note in the original principal amount of \$20,000.00 (the “Note”) in consideration for a promise to repay said sum with interests and fees, and a security interest in the real property commonly known as 15 NYE ST., New Bedford, Massachusetts 02745 (the “Mortgaged Premises”); and

WHEREAS, Bank of America, N.A. (“BOA”) is the current holder of the Note and is entitled to enforce the Mortgage; and

¹ The Debtors in these chapter 11 cases and the last four digits of each Debtor’s federal taxpayer identification number and/or Canadian equivalent are as follows: Astrum Financial, LLC (2265); Autus, LLC (2736); CA Internet Marketing, LLC (7434); CACH, LLC d/b/a Fresh View Funding (6162); CACV of Colorado, LLC (3409); CACV of New Jersey, LLC (3499); Candeo, LLC (2809); CCL Financial Inc. (7548); Collect Air, LLC (7987); Collect America of Canada, LLC (7137); Healthcare Funding Solutions, LLC (2985); Metropolitan Legal Administration Services, Inc. (6811); Orsa, LLC (2864); Preferred Credit Resources Limited (0637); ReFinance America, Ltd. (4359); SquareTwo Financial Canada Corporation (EIN: 1034; BN: 0174); SquareTwo Financial Corporation (1849); and SquareTwo Financial Services Corporation d/b/a Fresh View Solutions (5554). The Debtors’ executive headquarters are located at 6300 South Syracuse Way, Suite 300, Centennial, CO 80111.

WHEREAS, on September 16, 2013, an Execution on Money Judgment was issued in favor of CACH, LLC against the Borrower in the matter of CACH, LLC v. Horatio P. Alves, docket no. 1233CV000836; and

WHEREAS, on March 19, 2017 (the “Commencement Date”), CACH, LLC filed a voluntary petition for relief under Chapter 11 of Title 11 of the United States Code with this Court bearing case no. 17-10663-jlg, and an order for relief was duly entered; and

WHEREAS, by the Order Directing Joint Administration of Related Chapter 11 Cases dated March 27, 2017 (ECF Doc. No. 65), case no. 17-10663-jlg is among the bankruptcy cases (the “Bankruptcy Cases”) jointly administered in this case; and

WHEREAS, on June 9, 2017 the borrower defaulted on their loan and BOA is now entitled to bring a Foreclosure Action against the borrower; and

WHEREAS, it is in the best interests of the Debtors and BOA for such foreclosure proceedings to commence irrespective of any implications of the automatic stays created upon the filing of the Bankruptcy Cases; and

WHEREAS, the Debtors and BOA have agreed to modify the automatic stays created in the Bankruptcy Cases so as to allow BOA to enforce its remedies to foreclose upon and obtain possession of the Mortgage Premises.

IT IS HEREBY STIPULATED AND AGREED by and between BOA, its assignees and/or successors in interest, through its counsel, David A. Gallo & Association LLC, and the Debtors, through Tawanna Chavous, agent for CACH, LLC as follows:

1. The automatic stays instituted upon filing of the Bankruptcy Cases are hereby terminated as to BOA's lien interest in the Mortgaged Premises, thereby allowing BOA, its assignees and/or successors in interest to resume and take such actions, with respect to Mortgaged Premises, as are set forth under applicable non-bankruptcy law.
2. The 14-day stay provided by Bankruptcy Rule 4001(a)(3) is waived.
3. CACH, LLC shall retain any and all interest that it may have in any surplus monies that may be produced from a foreclosure sale of the Mortgaged Premises, and will be noticed of any such sale of the property and surplus money proceedings.
4. This Court shall retain jurisdiction with respect to any and all matters arising from the interpretation of this Stipulated Order.

Dated: August 23, 2018

Dated: 8/23/2018

By: /s/Robyn E. Goldstein
Robyn E. Goldstein, Esq.
David A. Gallo & Association LLC
Attorneys for BOA

By: TCh
Tawanna Chavous
Agent for CACH, LLC